

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ANTHONY SCARBRO,)	Case No. 1:19-cv-1593
)	
Plaintiff,)	
)	MAGISTRATE JUDGE
v.)	THOMAS M. PARKER
)	
CLIFFORD PINKNEY, <i>et al.</i> ,)	
)	<u>ORDER</u>
Defendants.)	
)	

On April 10, 2020, the court received e-mail correspondence from defense counsel and plaintiff's counsel indicating that there is a dispute regarding defendants' interrogatories, requests for production, and requests for medical records release authorization. Defendants asserted that they sent plaintiff their discovery requests on December 18, 2019, and responses to those requests were due on January 17, 2020. No responses were given. Defense counsel stated that he conferred with plaintiff's counsel in February and March, but still did not receive any responses. On April 3, 2020, defense counsel e-mailed plaintiff's counsel to set a time to discuss the outstanding responses, but at the time of his e-mail to the court defense counsel had not received a response from plaintiff's counsel.

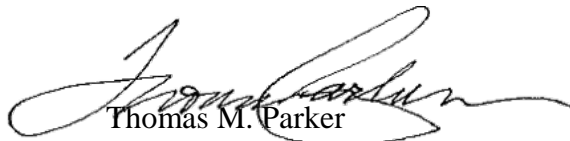
Plaintiff's counsel does raise any objections to defendants' discovery requests or dispute whether he failed to respond to defense counsel's April 3, 2020, e-mail before defense counsel e-mailed the court. Plaintiff's counsel instead responds that plaintiff Scarbro changed his address, counsel re-sent the discovery requests to Scarbro, and counsel was awaiting Scarbro's

responses. Counsel also stated that he was in contact with defense counsel, and that he is concerned for Scarbro's well-being during the COVID-19 state of emergency.¹

Because plaintiff's counsel has not expressed any objection to defendants' discovery requests, but merely expresses difficulty in communicating with Scarbro, additional time for counsel to meet and confer is not necessary at this time. The court orders that plaintiff submit responses to defendants' discovery requests not later than April 30, 2020.² If plaintiff fails to comply with this order, the court may consider imposing appropriate sanctions under [Fed. R. Civ. P. 37\(b\)\(2\)\(A\)](#), including the dismissal of this case.

IT IS SO ORDERED.

Dated: April 13, 2020



Thomas M. Parker
United States Magistrate Judge

¹ Insofar as plaintiff's counsel indicates that the recent COVID-19 state of emergency may have impacted Scarbro's ability to respond to the requests, the court notes that the state of emergency in Ohio was not declared until well after the January 17, 2020, deadline had passed. See [Ohio Executive Order 2020-01D](#) (March 14, 2020); see also [Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease \(COVID-19\) Outbreak](#) (Mar. 13, 2020).

² To the extent plaintiff does have any objection to the content of any of defendant's discovery requests, plaintiff's counsel must initiate and complete virtual meet-and-confer proceedings with defense counsel sufficiently in advance of the April 30 response deadline in order to permit responses to be submitted by that deadline.